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Washington, Thursday, February 29, 1940

Rules, Regulations, Orders

TITLE 43—PUBLIC LANDS: INTERIOR CHAPTER I—GENERAL LAND OFFICE

STOCK DRIVEWAY WITHDRAWAL No. 198,
WYOMING No. 33, ENLARGED

FEBRUARY 13, 1940.

It appearing that the following-described public lands should be included in Stock Driveway Withdrawal No. 198, Wyoming No. 33, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 92 W.,
lots 7 and 8, E $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 7, W $\frac{1}{2}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 18,
E $\frac{1}{2}$ sec. 19, E $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 30, and sub-
tracts 39G, 39J, 39K, 39L, 39M, 39R, 39S,
39T sec. 30, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
sec. 31;

T. 42 N., R. 93 W.,
N $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 12; ag-
gregating 1,545.33 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 40-829; Filed, February 28, 1940;
9:23 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

CHAPTER II—PUBLIC WORKS ADMINISTRATION

[Special Order No. PWA-3 (Supp. 1)]

CERTIFICATION OF VOUCHERS

FEBRUARY 5, 1940.

Subparagraph (d) of Paragraph 2 of Special Order No. PWA-3, dated August 25, 1939,¹ is hereby amended so as to read as follows:

"(d) George H. Butler, Director of the Division of Investigations, and in his absence or in his stead, C. Raymond Wire, Acting Assistant Director, is authorized to certify for payment vouchers for travel expenses of the employees of the Division of Investigations and for the miscellaneous expenses of the Division of Investigations."

JOHN M. CARMODY,
Federal Works Administrator.

[F. R. Doc. 40-830; Filed, February 28, 1940;
9:24 a. m.]

[Special Order No. PWA-3 (Supp. 2)]

CERTIFICATION OF VOUCHERS

FEBRUARY 17, 1940.

Subparagraphs (a) and (b) of Paragraph 2 of Special Order No. PWA-3, dated August 25, 1939,¹ are hereby amended so as to read as follows:

"(a) E. W. Clark, Acting Commissioner of Public Works, J. J. Madigan, Executive Officer, H. M. Gillman, Jr., Assistant Executive Officer, and G. William Comfort, Assistant to Executive Officer, are each authorized to act singly for the Public Works Administration in authorizing the disbursement of funds in accordance with loan and/or grant agreements and in authorizing the Treasurer

¹ 4 F. R. 3769.

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of the United States to transmit by wire to a designated Federal Reserve Bank or branch funds made available to such Treasurer by check for such purpose. Also to certify all vouchers for payment from the funds appropriated for the administrative expenses of the Public Works Administration, requisitions to make such funds available, requests for transfers to the accounts of disbursing officers, and to examine and approve administratively accounts as required by Sections 12 and 22 of the Act of July 31, 1894 (28 Stat. 209-211) before their transmission to the General Accounting Office for final settlement.

"(b) The said E. W. Clark, the said J. J. Madigan, the said H. M. Gillman, Jr., and the said G. William Comfort, in their respective capacities as aforesaid, are the only officials of the Public Works Administration with authority to authorize the disbursement of funds in accordance with loan and/or grant agreements and to authorize the Treasurer of the United States to transmit by wire to a designated Federal Reserve Bank or branch funds made available to such Treasurer for such purpose."

JOHN M. CARMODY,
Federal Works Administrator.

[F. R. Doc. 40-831; Filed, February 28, 1940;
9:24 a. m.]

TITLE 45—PUBLIC WELFARE CHAPTER IV—NATIONAL YOUTH ADMINISTRATION

[Administrative Order No. 7]

PART 402—REGULATIONS RELATING TO THE PART-TIME EMPLOYMENT OF OUT OF SCHOOL YOUTH ON PROJECTS OF THE NATIONAL YOUTH ADMINISTRATION

By virtue of and pursuant to the authority vested in the Administrator of the National Youth Administration by

the Emergency Relief Appropriation Act of 1939, approved June 30, 1939, the following amendments to Administrative Order No. 5, dated September 15, 1939,¹ are prescribed:

Section 402.3 is amended to read as follows:

"§ 402.3 The term 'project employees' as used herein shall mean all persons engaged upon projects and paid by means of a pay roll payment from funds authorized for the operation of such projects. Project employees are further defined as follows:

"(a) The term 'youth employees' as used herein shall mean persons between the ages of 18 and 24 years inclusive, certified as in need, engaged upon a part-time basis on projects, and paid by means of pay roll payments from funds authorized for the operation of such projects.

"(b) The term 'project supervisory employees' as used herein shall mean persons in supervisory positions engaged upon projects who are paid upon a per diem, monthly, or annual basis by means of pay roll payments from funds authorized for the operation of such projects."

Section 402.8 is amended to read as follows:

"§ 402.8 The State Youth Administrator is authorized and directed to establish per diem, monthly, or annual earnings for project supervisory employees in accordance with the wages customarily paid for work of a similar nature in the same locality. Earnings for project supervisory employees established on a per diem, monthly, or annual salary basis are subject to the following conditions:

"(a) Project supervisory employees, who are assigned to work for a period of less than 100 hours per pay roll month or who are assigned to work for indefinite periods per pay roll month, shall be compensated upon a per diem basis of payment from funds authorized for the operation of projects. Project supervisory employees paid on a per diem basis shall be paid for their actual days, or fractions of days, of service.

"(b) Project supervisory employees, who are assigned to work for definite schedules of not less than 100 hours per pay roll month shall be compensated for their services upon a monthly salary basis from funds authorized for the operation of projects. For such supervisory employees assigned to projects and paid on a monthly salary basis, deductions for voluntary absence from duty shall be made in the amount of one-thirtieth of the monthly salary for each day of voluntary absence. However, no deduction shall be made for any day or days upon which the employee is not required to work. Deduc-

tions for voluntary absence from duty for a portion of a day shall be made in an amount equal to one-fourth the deduction, or multiple thereof, made for absence during a full day.

"(c) Project supervisory employees who are appointed by letter and required to work a minimum of 39 hours per week, shall be compensated for their services upon an annual salary basis from funds authorized for the operation of projects. Regulations relating to salary payments and leave benefits prescribed for civil employees of the Federal Government shall be applicable to appointive project supervisory employees of the National Youth Administration."

AUBREY WILLIAMS,
Administrator.

Approved, February 26, 1940.

WAYNE COY,
Acting Federal Security Admin-
istrator.

[F. R. Doc. 40-826; Filed, February 27, 1940;
2:43 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

LOWER YELLOWSTONE PROJECT, MONTANA- NORTH DAKOTA

ADVERTISEMENT OF LANDS FOR LEASE

FEBRUARY 12, 1940.

1. Sealed proposals will be received at the office of the Bureau of Reclamation, Washington, D. C., until 2 o'clock P. M., March 15, 1940, for the lease for grazing purposes of all or any tract or tracts of the land shown on the accompanying list.

2. The lands will be leased for the period ending December 31, 1940, the lessee having no option to renew. The bidder shall state in the proposal (a) the legal description of such subdivisions or tracts which he proposes to lease, (b) the area in acres, and (c) the rental price he proposes to pay. The bidder may make such stipulations as he may desire regarding combinations of tracts he is willing to accept. Please use attached proposal blanks.¹

3. Bids must be accompanied by payment in full. Funds so remitted by unsuccessful bidders will be returned on making of award. Remittance should be in the form of certified check, bank draft, or money order, drawn in favor of "Bureau of Reclamation".

4. Those desiring to bid should first consult a copy of lease form 7-523-A-G, on file at the office of the Manager, Lower Yellowstone Board of Control, at Sidney, Montana, which lease must

¹ Filed as a part of the original document; requests for copies should be addressed to the Bureau of Reclamation, Department of the Interior.

be promptly executed by successful bidders before possession of the land is given, and which describes various rights reserved by the United States, and other details not herein enumerated, to which the lessee must agree.

5. Envelopes containing bids must be sealed, marked and addressed as follows:

Bid for lease of land, Lower Yellowstone Project, Montana-North Dakota, to be opened at 2 p. m., Eastern Standard Time, March 15, 1940.

H. W. BASHORE,
Assistant Commissioner.

LOWER YELLOWSTONE PROJECT, MONTANA-NORTH DAKOTA

LIST OF LANDS AVAILABLE FOR LEASE

Description:	Area in acres
T. 19 N., R. 57 E., M. P. M., Montana:	
Sec. 26—Lot 1	30.00
T. 22 N., R. 58 E., M. P. M., Montana:	
Sec. 26—NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$	120.00
T. 23 N., R. 60 E., M. P. M., Montana:	
Sec. 8—Lots 3 and 4	80.00
Sec. 17—Lot 3	3.00
T. 24 N., R. 60 E., M. P. M., Montana:	
Sec. 30—Lot 1	20.80
Fifth Principal Meridian, North Dakota:	
T. 152 N., R. 104 W.:	
Sec. 19:	
Lot 4	34.58
SE $\frac{1}{4}$ SE $\frac{1}{4}$ except for 3 acres in northeast corner now being used for ditch-riders' camp site	37.00
Sec. 27—SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
Sec. 28—Lot 8	25.30
Sec. 30—Lot 1	34.13

[F. R. Doc. 40-832; Filed, February 28, 1940; 9:27 a. m.]

MARIAS PROJECT, MONTANA

ADVERTISEMENT OF LANDS FOR LEASE

FEBRUARY 17, 1940.

1. Sealed proposals will be received at the Office of the Bureau of Reclamation, Washington, D. C., until 2 o'clock P. M., March 18, 1940, for the lease for grazing purposes of all or any tract or tracts of the land in the Marias and Lonesome Lake reservoir sites, shown on the accompanying list.

2. The lands will be leased for the period ending December 31, 1940, the lessee having no option to renew. The bidder shall state in the proposal (a) the legal description of such subdivisions or tracts which he proposes to lease, (b) the area in acres, and (c) the rental price he proposes to pay. The bidder may make such stipulations as he may desire regarding combinations of tracts he is willing to accept. Please use attached proposal blanks.¹

3. Bids must be accompanied by payment in full. Funds so remitted by unsuccessful bidders will be returned on making of award. Remittance should be in the form of certified check, bank

draft, or money order, drawn in favor of "Bureau of Reclamation".

4. Those desiring to bid should first consult a copy of lease form 7-523-A-G, attached hereto, which lease must be promptly executed by successful bidders before possession of the land is given, and which describes various rights reserved by the United States and other details not herein enumerated, to which the lessee must agree. Copies of the lease form may also be inspected at the bulletin boards of the post offices at Big Sandy, Box Elder, Kinread, and Chester, Montana.

5. Envelopes containing bids must be sealed, marked and addressed as follows:

Bid for lease of land, Marias Project, Montana, to be opened at 2 P. M., Eastern Standard Time, March 18, 1940.

H. W. BASHORE,
Assistant Commissioner.

MARIAS PROJECT, MONTANA

LIST OF LANDS AVAILABLE FOR LEASE

(Figures in parentheses are areas in lots)

Part I—Marias Reservoir Site

Description:	Area in acres
T. 30 N., R. 4 E., M. P. M.:	
Sec. 14—SW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 1 (39.99)	79.99
Sec. 19—NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lots 1 (38), 2 (29), 3 (33), 10 (32)	172
Sec. 20—NW $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 3 (5), 10 (40), 11 (34)	119
Sec. 21—E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 1 (30), 2 (7), 3 (23), 9 (17)	197
Sec. 22—SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 6 (7), 7 (27), 8 (31)	225
Sec. 23—N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Lots 12 (45), 13 (43)	208
Sec. 24—SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 1 (35), 4 (33)	188
Sec. 25—SE $\frac{1}{4}$ NE $\frac{1}{4}$, Lots 1 (48), 2 (19), 6 (12), 7 (36), 8 (48), 11 (27)	230
Sec. 26—SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$	120
Sec. 35—NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
T. 29 N., R. 5 E., M. P. M.:	
Sec. 1—SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
Sec. 9—NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
T. 30 N., R. 5 E., M. P. M.:	
Sec. 30—E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	280
T. 29 N., R. 6 E., M. P. M.:	
Sec. 7—NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Lots 3 (38), 4 (38)	276
Sec. 8—S $\frac{1}{2}$	320
Sec. 9—S $\frac{1}{2}$	320
Sec. 10—S $\frac{1}{2}$	320
Sec. 11—S $\frac{1}{2}$ S $\frac{1}{2}$	160
Sec. 13—Lot 3	6
Sec. 14—N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Lots 1 (36), 2 (34)	230
Sec. 15—NE $\frac{1}{4}$ NE $\frac{1}{4}$, Lots 1 (30), 10 (12)	82
Sec. 17—Lot 7	42
Sec. 20—E $\frac{1}{2}$ NE $\frac{1}{4}$	80
Sec. 21—S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Lot 4 (33)	273
Sec. 22—NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$	400
Sec. 24—S $\frac{1}{2}$ S $\frac{1}{2}$, Lots 4 (43), 5 (29), 10 (26), 11 (38)	296
T. 29 N., R. 7 E., M. P. M.:	
Sec. 7—SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	120
Sec. 17—Lots 6 (15), 9 (25)	40
Sec. 18—W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 4 (38), 7 (30), 8 (4), 9 (35), 10 (39)	386
Sec. 19—S $\frac{1}{2}$ SE $\frac{1}{4}$	80
Sec. 20—SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
Sec. 21—SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, lots 6 (37), 14 (10)	127

Description:

T. 29 N., R. 7 E., M. P. M.—Contd.
Sec. 28—NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 4 (31), 5 (14), 11 (29), 12 (39)-----

Area in acres

273

Part II—Lonesome Lake Reservoir Site

T. 29 N., R. 11 E., M. P. M.:

Sec. 3—E $\frac{1}{2}$ SW $\frac{1}{4}$	80
Sec. 9—SE $\frac{1}{4}$	160
Sec. 10—NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$	600
Sec. 11—SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$	520
Sec. 12—NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$	200
Sec. 13—N $\frac{1}{2}$, SW $\frac{1}{4}$	480
Sec. 14—N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	560
Sec. 15—All	640
Sec. 22—NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
Sec. 24—NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$	360
T. 29 N., R. 12 E., M. P. M.:	
Sec. 1—W $\frac{1}{2}$	320
Sec. 2—All	640
Sec. 3—SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	160
Sec. 7—S $\frac{1}{2}$ S $\frac{1}{2}$	160
Sec. 8—NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$	600
Sec. 9—SE $\frac{1}{4}$	160
Sec. 10—All	640
Sec. 11—All	640
Sec. 12—W $\frac{1}{2}$ NW $\frac{1}{4}$	80
Sec. 14—W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$	400
Sec. 15—All	640
Sec. 17—N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$	480
Sec. 18—NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$	600
Sec. 19—All	640
Sec. 20—N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$	560
Sec. 21—N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	600
Sec. 22—All	640
Sec. 23—W $\frac{1}{2}$ NW $\frac{1}{4}$	80
Sec. 24—SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
Sec. 25—NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$	120
Sec. 26—NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	200
Sec. 27—N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	480
Sec. 28—W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$	520
Sec. 29—E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	440
Sec. 30—NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$	320
Sec. 31—E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$	120
Sec. 32—N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	360
Sec. 33—N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	520
Sec. 34—N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	360
T. 30 N., R. 12 E., M. P. M.:	
Sec. 35—S $\frac{1}{2}$ SE $\frac{1}{4}$	80
T. 29 N., R. 13 E., M. P. M.:	
Sec. 19—SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
Sec. 30—W $\frac{1}{2}$ NW $\frac{1}{4}$	80

[F. R. Doc. 40-833; Filed, February 28, 1940; 9:27 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF DETERMINATION THAT THE VIRGINIA-SMITHFIELD MEAT PACKING INDUSTRY IS AN INDUSTRY OF A SEASONAL NATURE

Whereas, applications have been made by the Virginia-Smithfield Meat Packers Association and sundry other parties, under Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Regulations, Part 526, as amended (Regulations applicable to Industries of a Seasonal Nature), issued by the Administrator thereunder, for partial exemption of the

¹ Filed as a part of the original document; requests for copies should be addressed to the Bureau of Reclamation, Department of the Interior.

Virginia-Smithfield Meat Packing Industry from the maximum hours provisions of Section 7 (a) of said Act pursuant to Section 7 (b) (3) applicable to industries found by the Administrator to be of a seasonal nature; and

Whereas, a public hearing¹ on said applications was held before Harold Stein, the representative of the Administrator, duly authorized to take testimony, hear argument and determine whether or not the Virginia-Smithfield Meat Packing Industry is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526 of Regulations issued thereunder; and

Whereas, following such hearing, the said Harold Stein duly made his findings of fact and determined as follows:

(1) The curing and packing of Virginia-Smithfield cured meats by the Virginia-Smithfield meat packers is an industry or branch of industry within the meaning of the Fair Labor Standards Act; and

(2) The curing and packing of the Virginia-Smithfield cured meats by the Virginia-Smithfield meat packers takes place during the period, November through March, and ceases during the period, April through October, because of the fact that owing to climate and other natural conditions the peanut-fed hog used for this cure is not available from April to November in the form in which it is handled and processed, and therefore the curing and packing of Virginia-Smithfield cured meats is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder.

(3) As used herein, "Virginia-Smithfield cured meats" means those cured from the peanut-fed hog by the long process, non-refrigerated meat curing methods.

(4) "Virginia-Smithfield meat packers" as used herein means those establishments engaged solely, or almost solely in the curing of meats from peanut-fed hogs by the long process, non-refrigerated meat curing methods in the peanut belt of eastern Virginia.

This determination is without prejudice to a determination on applications from other meat packers operating in substantially the same manner for the same reasons.

Whereas, said Findings and Determination were duly filed with the Administrator on February 6, 1940, and are now on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties; and

Whereas, on February 10, 1940, the Administrator caused to be published in the FEDERAL REGISTER (5 F.R. 649) a notice

which stated that, pursuant to the provisions of § 526.7 of the aforesaid Regulations, any person aggrieved by the said determination might, within fifteen days after February 10, 1940, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative, and

Whereas, no petition for review has been filed within the said fifteen days;

Now, therefore, pursuant to the provisions of § 526.7 of the said Regulations, the exemption provided by Section 7 (b) (3) of the Fair Labor Standards Act of 1938 will become effective on the date this notice embodying the above-quoted finding and determination appears in the FEDERAL REGISTER. The said exemption is applicable only as specified by the aforesaid finding and determination.

Signed at Washington, D. C., this 28th day of February 1940.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 40-834; Filed, February 28, 1940;
12:02 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 154]

IN THE MATTER OF THE PETITION OF TRANSCONTINENTAL & WESTERN AIR, INC., UNDER SECTION 406 OF THE CIVIL AERONAUTICS ACT OF 1938, FOR THE DETERMINATION OF THE FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT ON ROUTES NOS. 2, 36, 37 AND 38

NOTICE OF ASSIGNMENT OF HEARING

The above-entitled proceeding, reopened by order of the Authority dated February 2, 1940, for the purpose of receiving:

such evidence as may be relevant to fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft by Transcontinental & Western Air, Inc., on Route No. 44 and such additional evidence not heretofore presented as may be relevant to fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft on Routes Nos. 2, 36, 37, and 38,

is assigned for public hearing on February 29, 1940, 10 o'clock a. m. (Eastern Standard Time) in Room 5044, Department of Commerce Building, Washington, D. C., before the Authority.

Dated Washington, D. C., February 26, 1940.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-835; Filed, February 28, 1940;
12:09 p. m.]

[Docket No. 202]

IN THE MATTER OF THE PETITION OF PAN AMERICAN AIRWAYS COMPANY (OF DELAWARE) FOR AN ORDER FIXING AND DETERMINING THE FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, BETWEEN THE UNITED STATES AND EUROPE IN TRANS-ATLANTIC SERVICE, PURSUANT TO SECTION 406 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF ASSIGNMENT OF HEARING

The above-entitled proceeding, reopened by order of the Authority dated February 23, 1940, for the following limited purposes:

(1) To determine whether or not the rate of compensation being paid to the petitioner for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, in so far as such rate relates to the payment of compensation for the transportation between the United States and Horta, the Azores, of mail destined for the Azores in excess of a load of sixteen hundred (1600) pounds per trip, is fair and reasonable as required by the Civil Aeronautics Act of 1938, and particularly section 406 thereof; and

(2) In case such rate shall not be found to be fair and reasonable, to fix and determine the fair and reasonable rate or rates of compensation for the transportation between the United States and Horta, the Azores, of mail destined for the Azores in excess of such load of sixteen hundred (1,600) pounds per trip, as specified in said order.

is assigned for public hearing on March 6, 1940, 10 o'clock a. m. (Eastern Standard Time), in Conference Room A of the Departmental Auditorium, Washington, D. C., before Examiner Francis W. Brown.

Dated Washington, D. C., February 26, 1940.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-836; Filed, February 28, 1940;
12:09 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5834]

APPLICATION OF WORCESTER BROADCASTING CORP. (NEW)

Dated July 15, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, San Diego, Calif.; operating assignment

¹ 5 F.R. 24.

specified: Frequency, 1420 kc; power, 250 w., night; 250 w., day; hours of operation, unlimited.

[File No. B5-P-2458]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.
2. To determine whether the granting of the application will tend toward a fair, efficient and equitable distribution of radio service.
3. To determine the nature, extent and effect of any interference which would result should the applicant's proposed station operate simultaneously either with the station proposed in the pending application of Jack Hazard (B5-P-2400); or the station proposed in the pending application of John P. Scripps, (B5-P-2583); or with Station KDB, operating as proposed in its pending application (B5-P-2453).

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Worcester Broadcasting Corp.,
% Warren B. Worcester,
4919 Cresita Drive,
San Diego, California.

Dated at Washington, D. C. February 26, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-827; Filed, February 27, 1940;
3:07 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5545]

IN THE MATTER OF MINNESOTA POWER &
LIGHT COMPANY

ORDER INSTITUTING INVESTIGATION AND TO
SHOW CAUSE AND FIXING DATE OF HEARING

FEBRUARY 23, 1940.

Commissioners: Leland Olds, Chair-
man; Claude L. Draper, Basil Manly,
John W. Scott, Clyde L. Seavey.

It appearing to the Commission that:

(a) By order of June 20, 1939, the Commission issued an order instituting an investigation for the purpose of enabling the Commission:

(1) To determine whether any rate, charge, or classification, demanded, observed, charged, or collected by the Minnesota Power & Light Company for any transmission or sale to Northern Power Company or to Superior Water, Light and Power Company under Minnesota Power & Light Company Rate Schedules F.P.C. Nos. 1 and 2, or whether any rate, regulation, practice, or contract affecting such rate, charge, or classification is unjust, unreasonable, unduly discriminatory or preferential, and

(2) If the Commission shall find that any such rate, charge, or classification, or any rule, regulation, practice, or contract affecting such rate, charge, or classification is unjust, unreasonable, unduly discriminatory, or preferential, to determine the just and reasonable rate, charge, classification, rule, regulation, practice, or contract to be thereafter observed and in force, and to fix the same by order;

(b) In the course of the investigation being made pursuant to said order of June 20, 1939, the Minnesota Power & Light Company has failed or refused to make available for inspection by agents of the Commission certain records and books of account, which were made and kept under the name of the Duluth Edison Electric Company by which name the Minnesota Power & Light Company was formerly known;

(c) In the course of said investigation Minnesota Power & Light Company has also failed or refused to make available for inspection by agents of the Commission certain records and books of account of the Great Northern Power Company, Minnesota Utilities Company, General Light & Power Company, Little Falls Water Power Company, Cuyuna Range Power Company, Royalton Power & Light Company, and Pike Rapids Power Company, properties of which companies have been acquired by the said Minnesota Power & Light Company;

(d) Part No. 26 of the report of the Federal Trade Commission, made pursuant to Senate Resolution No. 83, Seventieth Congress, first session, at pages 359, 433 and 456, indicates that the books of Minnesota Power & Light Company contained write-ups in the amount of \$30,293,346.85 charged to fixed capital, essential information concerning which write-ups may be contained in the books and records which Minnesota Power & Light Company has failed or refused to make available for inspection by agents of the Commission as set out in paragraphs (b) and (c) above;

(e) To aid in the enforcement of the provisions of the Federal Power Act and of the Commission's aforesaid order of investigation, dated June 20, 1939, and in order to determine whether any person

has violated or is about to violate any provision of said Act, or said order of June 20, 1939, or any rule, regulation, or other order under said Act, appropriate proceedings are necessary or desirable in the public interest, to ascertain the whereabouts, possession, control, or custody of the records, books, papers, and other data of the companies named in paragraphs (a), (b), and (c) hereof;

The Commission finds that:

For the purposes mentioned in paragraph (e) above, all books, papers, correspondence, memoranda, contracts, agreements, or other records of those companies named in paragraphs (a), (b), and (c) hereof, and any other company the properties of which have been acquired by said Minnesota Power & Light Company, are relevant or material to this proceeding;

The Commission orders that:

(A) An investigation be and it is hereby instituted for the purpose of aiding in the enforcement of the provisions of the Federal Power Act and of the Commission's order of June 20, 1939, and for the purpose of ascertaining whether in connection with said investigation instituted by the Commission's said order of June 20, 1939, any person has violated or is about to violate the Federal Power Act, or said order of June 20, 1939, or any rule, regulation, or other order under said Act, and for the purpose of ascertaining the whereabouts, possession, control, or custody of the records, books, papers, and other data of and pertaining to said Minnesota Power & Light Company, Duluth Edison Electric Company, Great Northern Power Company, Minnesota Utilities Company, General Light & Power Company, Little Falls Water Power Company, Cuyuna Range Power Company, Royalton Power & Light Company, Pike Rapids Power Company, and any other company, the properties of which have been acquired by said Minnesota Power & Light Company;

(B) For the purpose of said investigation a public hearing be held commencing on March 18, 1940, at 10 o'clock, a. m., in Court Room No. 2, Federal Building, in the City of Duluth, Minnesota, at which time the Minnesota Power & Light Company shall show cause, if any there be, why all books, papers, correspondence, memoranda, contracts, agreements, or other records of and pertaining to those companies mentioned in paragraph (A) above have not been and should not be made available for inspection and examination by agents of the Commission;

(C) Samuel H. Crosby be and he is hereby designated as trial examiner to preside at said hearing, and is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or records mentioned in the Com-

mission's finding as set forth hereinbefore, and mentioned in paragraphs (A) and (B) above, which may be relevant or material.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-828; Filed, February 28, 1940;
9:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of February, A. D. 1940.

[File No. 43-259]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION PURSUANT TO REQUEST OF DECLARANT

NY PA NJ Utilities Company, having filed with the Commission a request for the withdrawal of the following declaration:

Declaration pursuant to the provisions of Section 7 of the Public Utility Holding Company Act of 1935 with respect to the proposed issue and sale of \$50,000,000 principal amount of Twenty-five Year Collateral Trust Debentures.

The Commission consents to the withdrawal of such declaration, and to that effect

It is so ordered.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-837; Filed, February 28, 1940;
12:11 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of February, A. D. 1940.

[File Nos. 43-275, 46-196]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY, ASSOCIATED INVESTING CORPORATION, ASSOCIATED POWER CORPORATION, GENERAL UTILITY INVESTORS CORPORATION, AND SOUTHEASTERN INVESTING CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION AND APPLICATION PURSUANT TO REQUEST OF APPLICANTS AND DECLARANT

The above-named declarant and applicants having filed with the Commission a request for the withdrawal of the following declaration and applications:

Declaration pursuant to the provisions of Section 7 of the Public Utility Holding Company Act of 1935 with respect to the proposed issue and sale of \$26,500,000 principal amount of secured promissory notes, File No. 43-275;

Application pursuant to the provisions of Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition of certain securities proposed to be pledged as security for said promissory notes; and an application pursuant to Rule U-12F-1 of such Act for permission to sell such securities to NY PA NJ Utilities Company, File No. 46-196.

The Commission consents to the withdrawal of such declaration and applications, and to that effect

It is so ordered.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-838; Filed, February 28, 1940;
12:11 p. m.]